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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/689,497	10/20/2003	Bong Keun Lee	091781.2	4307
34261	7590	08/29/2006	EXAMINER	
HOLLAND & KNIGHT LLP 633 WEST FIFTH STREET, TWENTY-FIRST FLOOR LOS ANGELES, CA 90071-2040			CHU, RANDOLPH I	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/689,497

**Applicant(s)**

LEE, BONG KEUN

**Examiner**

Randolph Chu

**Art Unit**

2632

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/20/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) \*
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) \*  
Paper No(s)/Mail Date 4/27/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of recorded in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 4/27/2005 has been considered by the examiner.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 3-6 and 8-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In order to be statutory under 35 U.S.C. 101, method has to produce a useful, concrete, and tangible result. In the case of the instant claims, the method produces useful and concrete but not tangible result. For example, merely determining or calculating a price may not be held to be a tangible result, instead reasonably being interpreted as just a thought or a computation within a processor; however, calculating a price of an item to sell and then conveying the calculated price to a potential customer would be a tangible result.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent (4,847,772) to Michalopoulos et al.

For Claim 1, Michalopoulos et al. discloses, a method for detecting an accident (col.1 8-18, incident detection) comprising the steps of:  
obtaining an image (Fig.1, 12) from a predetermined region on a road (col. 3, lines 34-51);  
computing gray levels for each pixel corresponding to a predetermined line type trap from the obtained image (col.3 line 65 – col. 4 line 6);  
and determining whether there exists an accident or not depending on change transition of the computed gray levels for a predetermined period of time (col. 4 line 56 - col. Line 5).

For Claim 2, Michalopoulos et al. discloses, the step of is playing the obtained image on a screen (col. 4 lines 15 – 29).

For Claim 3, Michalopoulos et al. discloses, the line type trap is set on a lane (Fig 3).

For Claim 4, Michalopoulos et al. discloses, the computed gray levels are average values of gray levels for one pixel or a predetermined number of pixels existing in back and forth of the one pixel (col. 5, lines 6 – 32).

For Claim 5, Michalopoulos et al. discloses, the set line type trap includes pixels arranged in a row (col. 5, lines 43 – 55).

For Claim 6, Michalopoulos et al. discloses, a method for detecting an accident (col.1 8-18, incident detection) comprising the steps of:  
obtaining an image (Fig.1, 12) from a predetermined region on a road (col. 3, lines 34-51);  
computing gray levels for each pixel corresponding to a predetermined line type trap from the obtained image(col.3 line 65 – col. 4 line 6);  
tracking a vehicle using quantity of change for the computed gray levels (col. 4, lines 44 - 55);  
and determining whether there exists an accident or not by tacking the gray levels for the tracked vehicle for a predetermined period of time (col. 4 line 56 - col. Line 5).

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For Claim 7, Michalopoulos et al. discloses, the step of displaying the obtained image on a screen (col. 4 lines 15 – 29).

For Claim 8, Michalopoulos et al. discloses, the line type trap is set on a lane (Fig 3).

For Claim 9, Michalopoulos et al. discloses, the computed gray levels are average values of gray levels for one pixel or a predetermined number of pixels existing in back and forth of the one pixel (col. 5, lines 6 – 32).

For Claim 10, Michalopoulos et al. discloses, the set line type trap includes pixels arranged in a row (col. 5, lines 43 – 55).

For Claim 11, Michalopoulos et al. teaches, determining whether a vehicle is a real vehicle through comparison of gray level information (col. 5, lines 56 – 67) for the traced vehicle included in the line type trap with gray level information for a real vehicle set in advance (col. 5, lines 43 - 55).

For Claim 12, Michalopoulos et al. teaches, if the gray level information is in agreement with gray level information for a real vehicle set in advance, the tracked vehicle is determined to be a real vehicle (col. 6, lines 25 – 40).

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For Claim 13, Michalopoulos et al. teaches, the gray level information is quantity of change and frequency for the gray level (col. 6, line 63 – col. 7, line 7).

For Claim 14, Michalopoulos et al. teaches, if the tracked vehicle is determined to be a real vehicle, a mark is made for a relevant vehicle on a screen corresponding to the determined vehicle (col. 6, lines 25 – 40).

For Claim 15, Michalopoulos et al. teaches, the method according to claim 6, wherein if gray levels for the tracked vehicle do not change for a predetermined period of time, the tracked vehicle is determined to have caused an accident (col. 7 line 59 – col. 8 line 13, col. 1 lines 8 – 18).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randolph Chu whose telephone number is 571-270-1145. The examiner can normally be reached on Monday to Thursday from 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz F. Jules can be reached on 571-272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RIC/

Frantz F. Jules  
Supervisory  
Patent Examiner

A handwritten signature in black ink, appearing to read 'Frantz F. Jules', with a stylized flourish at the end.